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APR 12 2002

In re Application of  
HOLMSTROM et al.  
Application No. 09/355,729  
Filed: May 10, 2000  
Attorney Docket No. 705/71953-2/

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DECISION  
ON PETITION

This is a decision on the petition, filed March 14, 2002 requesting that the prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. § 1.103(a). Petitioner also requests a second suspension of time for an additional six months, pursuant to MPEP § 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject Petition.


Regarding a suspension on request of the applicant, 37 CFR 1.103(a) provides:

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. *The Office will not suspend action if a reply by applicant to an Office action is outstanding.*

A review of the record indicates that an Office Action was mailed on October 15, 2001. To date, no reply to the outstanding Office Action has been received. Accordingly, Petitioner's request for suspension of action in this application under 37 CFR 1.103(a) is denied as being improper. The period for response to the outstanding Office Action continues to run three (3) months from the October 15, 2001 mail date.

The petition is **DENIED**.

Inquiries regarding this decision should be directed to Richard Seidel at (703) 306-3431.



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